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Customer Number

Patent
Case No.: 59109US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: PEUKER, MARC

Application No.: 10/598613 Confirmation No.: 7832

Filed: March 10, 2005

Title: CAPSULE FOR STORAGE, MIXING AND DISPENSING MATERIALS

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR § 1.121)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

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August 13, 2009

/Shelley M. Conoryea/

Date

Signed by: Shelley M. Conoryea

Dear Sir:

This is in response to the Notice of Non-Compliant Amendment (37 CFR § 1.121), dated June 25, 2009, in the above-identified application.

The Amendment filed on March 10, 2009, was said to be non-compliant, in that claims that were labeled "previously presented" had underlined text showing added text. In accordance with the instructions in the Notice, a new listing of claims is submitted. Please consider these claims in connection with the response previously submitted relative to the outstanding office action.

Fees

Any required fee will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.17 which may be required to Deposit Account No. 13-3723.

Please charge any fees under 37 CFR §§ 1.16 and 1.17 which may be required to Deposit Account No. 13-3723.

Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.

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